



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Zaret et al.
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COLLABORATING
Art Unit: 2157
Examiner: Abdullahi Elmi Salad
Docket No.: 0116210-005

Commissioner for Patents
P.O. Box 1450
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SECOND DECLARATION OF INVENTOR UNDER 37 C.F.R. § 1.131

Dear Sir:

I, David Zaret, hereby state:

1. I am one of the joint inventors of the subject matter claimed in the above-identified patent application and am familiar with the inventions disclosed therein.

2. In the May 3, 2005 Office Action for the above-identified patent application, the Examiner rejected Claims 1-17, 21, 23-26, 28-43, 47, 49-56, 59-65 and 68 under 35 U.S.C. §102(e) as being unpatentable over *Ozzie et al.* (US Patent 6,640,241), filed on July 19, 1999.

Claims 18-20, 27, 44-46, 57 and 66 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Ozzie et al.* (US Patent 6,640,241) in view of *Payne et al.* (US Patent 6,735,614).

Claims 22, 48, 58 and 67 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Ozzie et al.* (US Patent 6,640,241) in view of *Cave et al.* (US Patent 6,404,746).

3. I am one of the joint inventors who conceived of and reduced to practice the invention of Claims 1-68 at a date prior to the earliest effective filing date of the *Ozzie et al.* patent which is July 19, 1999. The factual basis for this statement is set forth below.

4. Prior to July 19, 1999, I jointly conceived of the invention of Claims 1-68, as evidenced by the document "Interchange Functional Specification Version 2.4" (hereafter "the 2.4 Specification") which is attached hereto as Exhibit A. The aforementioned specification is based upon operational software that was evaluated and subsequently documented on April 27, 1999. The 2.4 Specification documents operational features of the "Interchange" software, version 2.4, which was already reduced to practice at the time of the evaluation took place. The screen-shots provided in the specification were taken from software operating on a computer workstation during the course of the evaluation, and was viewed by each of the inventors just prior to the evaluation..

5. After discussing the issue regarding actual reduction to practice with the USPTO, it was agreed that, in lieu of submitting multiple boxes of code, or providing the Office with the v2.4 code, circa 1998, in an executable medium (i.e., floppy, CDROM, etc.), Applicants would be allowed to expound on the 2.4 Specification, and provide additional evidence demonstrating an actual reduction to practice prior to July 19, 1999. Accordingly, Applicants further attach hereto portions of functioning source code from the "Interchange" software, version 2.4, (attached as Exhibit B), and also provide documentation compiled into the interchange 2.1 application (which is a predecessor to the 2.4 application, dated May 1997 - attached as Exhibit C) that includes references to the interchange, logging interface, joining channels, sending and receiving messages on channels, updating channel lists and setting preferences.

6. Staring with the 2.4 Specification, the document clearly discloses a system and method for transmitting messages over a computer network in a real-time chat environment, as the specification indicates that the “Interchange” software and its operation is based on an Internet Relay Chat (IRC) platform (see page 1 of 2.4 Specification). As is known in the art, IRC a form of instant communication over the Internet that involves multiple users communicating through one or more servers using Transmission Control Protocol (TCP) or the like. Generally, a server operating within an IRC platform (i.e., a “system administration computing system”) will include a system management program to provide the chat interface for network communications using various client-to-server or server-to-server protocols.

7. Regarding the specific disclosures contained in the 2.4 Specification, the following table maps the features disclosed in the specification to the claimed features recited in the present application:

Claimed Feature	Parallel Claim(s)	2.4 Specification Disclosure
Claim 1. . . . [a] computing system/means having a network interface program with a real time chat interface for communicating over the computer network	Claims 28, 52, 60, 61	<p>The message entry area is below the channel content area and the channel splitter bar. The user enters text messages into the message entry area, then, when finished, sends the message by pressing the Enter key on the keyboard.</p> <p>Finally, a structured input panel is provided that can be used for several purposes: accessing the IC filter channel named Kaleidoscope, creating an order if size and prize are entered, or entering a comment. The user toggles the use of</p>

		the panel with the Window menu item Toggle Custom Panel. The user may select inputs for the panel from the lists Security, Sector, or Priority. From lists, the user may also select Client, Copy To Destination and Order Type. The Clear button resets the input fields to blank. The Submit button sends the inputs to IC and Kaleidoscope simultaneously (see Page 4, screen-shot on page 5; see also section 3.1 <i>et al.</i> , "Group Chat," pages 5-6; section 3.2 <i>et al.</i> "Private Chat," pages 7-8; and section 3.3 <i>et al.</i> "Filtered Chat," pages 8-9).
wherein the network interface program accepts message content, establishes a real time chat interface with the system management program and interacts with the system management program to structure the content within the message and transmit the structured message over the computer network.	(Claims 28, 52, 60, 61)	(see above) a structured input panel is provided that can be used for several purposes: accessing the IC filter channel named Kaleidoscope, creating an order if size and prize are entered, or entering a comment (page 4, see screen-shot page 5). The structured information is entered or received as discrete parameters of data (see screen-shot page 5). To use a generated structured input panel, the system user fills out the fields of the structured input panel ("Client," "Copy To," "Order Type") and posts the message to the system by clicking the "Submit" button., which would interact with a server's system management program for transmission over the network.
Claim 2. The message content structuring and transmission system of claim 1, wherein the second computing system is an end user computing system and the network interface program is an end user interface program.	Claim 28 ("second means")	While the 2.4 Specification does not show a specific hardware configuration, one skilled in the art would readily appreciate that the software of the network interface program would be executed on an end-user computing system
Claim 3. The message content structuring and transmission system of claim 2, wherein the end user interface program, based on configuration instructions, generates a structured message content input panel having message	Claims 29, 53, 62.	(see Claim 1) The message entry area is below the channel content area and the channel splitter bar. The user enters text messages into the message entry area, then, when finished, sends the message by pressing the Enter key on the keyboard . . . a structured input panel is

content fields for the end user to enter message content into.		provided that can be used for several purposes: accessing the IC filter channel named Kaleidoscope, creating an order if size and prize are entered, or entering a comment (page 4, see screen-shot page 5). The structured information is entered or received as discrete parameters of data (see screen-shot page 5). To use a generated structured input panel, the system user fills out the fields of the structured input panel ("Security," "Sector," "Priority," and "Client," Copy To," Order Type") and posts the message to the system by clicking the "Submit" button., which would interact with a server's system management program for transmission over the network.
Claim 4. The message content structuring and transmission system of claim 3, wherein the message content fields are generated dynamically based on the configuration instructions and data specific to the end user.	Claim 30.	See comments regarding claim 3; message content fields are based on configuration instructions via panel and data specific to the end user (see 7.3, page 21, section 9, page 28; "Whois" and "Operator Status" page 32).
Claim 5. The message content structuring and transmission system of claim 4, wherein the specific end user data used to dynamically generate the message content fields is an end user identification code.	Claim 31.	See comments Claim 4; user identification code includes user names.
Claim 6. The message content structuring and transmission system of claim 4, wherein the specific end user data used to dynamically generate the message content fields is an end user location identifier.	Claim 32.	See comments Claim 4; user location identifier includes location identifiers which may be information related to user location.
Claim 7. The message content structuring and transmission system of claim 4, wherein the specific end user data used to dynamically generate the message content fields is an identifier for the end user computing system.	Claim 33.	See comments Claim 4; user location identifier includes location identifiers which may be information related to the end user computing system.
Claim 8. The message content structuring and transmission system		See comments Claims 1 and 3.

of claim 3, wherein: after message content to be structured is entered into the structured input panel message content fields, the end user interface program structures the message content for transmission over the computer network.	Claim 34.	
Claim 9. The message content structuring and transmission system of claim 8, wherein data specific to the end user creating the message is associated with the structured message content for message creation identification purposes.	Claim 35.	See comments Claims 1, 3, and 4
Claim 10. The message content structuring and transmission system of claim 2, wherein the end user interface program generates a user interface having at least one real time chat channel.	Claim 36.	See comments Claims 1 and 3
Claim 11. The message content structuring and transmission system of claim 10, wherein at least one real time chat channel is a forum channel.	Claim 37.	See section 5 "Channel Manager", page 13, Section 3.1 "Group Chat", page 5.
Claim 12. The message content structuring and transmission system of claim 10, wherein at least one real time chat channel is a private channel.	Claim 38.	Section 6.3 "Creating a Private Channel," page 19.
Claim 13. The message content structuring and transmission system of claim 10, wherein at least one real time chat channel is a filtered channel.	Claim 39.	Section 6.1 "Creating a Filtered Channel," pages 16-17.
Claim 14. The message content structuring and transmission system of claim 13, wherein the filtered channel is an aggregation of selected real time chat channels.	Claim 40.	Section 6.1 "Creating a Filtered Channel," pages 16-17 (see screen-shot page 17).
Claim 15. The message content structuring and transmission system of claim 14, wherein the aggregated filter channel is used to post a message to multiple channels.	Claim 41.	Section 6.1 "Creating a Filtered Channel," pages 16-17; section 6.4 "Creating a Multi-Post Channel," page 20; section 3.3.7, "Filtered Chat Message Entry Area" page 9..
Claim 16. The message content		Section 4 <i>et al.</i> , "Dock Window," page

structuring and transmission system of claim 10, wherein the end user interface program allows a real time chat channel to be docked to the user interface.	Claims 42, 55, 64.	10.
Claim 17. The message content structuring and transmission system of claim 10, wherein the end user interface program allows a real time chat channel to be undocked from the user interface	Claims 43, 56, 65.	Section 4 <i>et al.</i> , “Dock Window,” page 10; section 7.10 “Dock/Undock Window,” page 22.
Claim 18. The message content structuring and transmission system of claim 10, wherein the end user interface program generates at least one user interface message alert for a real time chat channel.	Claims 44, 57, 66.	see section 3.3, “Filtered Chat”, “Alert,” top of page 12.
Claim 19. The message content structuring and transmission system of claim 18, wherein at least one interface message alert is visual.	Claim 45.	See comments on claim 18
Claim 20. The message content structuring and transmission system of claim 18, wherein at least one interface message alert is audio.	Claim 46.	Section 8.3, “Sounds” page 26
Claim 21. The message content structuring and transmission system of claim 10, wherein the real time chat channel includes at least one contextual chat message.	Claims 47, 54, 63.	Section 3, “Chat Window,” page 3; “When a user first opens a channel, a group of messages may scroll through the channel content area. This occurs if a backchat bot is present on the channel. A backchat bot tracts the historical chat for a channel and displays the last 30 messages. Any messages from a previous day will be preceded by a date separator. The date is from the user’s system. A date separator also appears when Interchange runs for multiple days and a new message comes in from a new day.” Contextual chat is prior synchronous system data that has been archived and retrieved in an asynchronous manner, for the channel selected
Claim 22. The message content structuring and transmission system of claim 1, wherein the system	Claims 48, 58,	See comments on Claim 21.

management program converts synchronous message content to asynchronous message content for storage.	67.	
Claim 23. The message content structuring and transmission system of claim 2, wherein the end user interface program, upon receipt of a structured message, generates a structured message output panel to display the structured message content.	Claims 49, 59, 68.	See comments, Claims 1 and 3.
Claim 24. The message content structuring and transmission system of claim 1, further comprising a third computing system having a network interface program with a real time chat interface for communicating over the computer network.	Claim 50.	A "third computing system" is another user computer that is equipped with the "Interchange" software of a "second user." It would be understood by one skilled in the art that the 2.4 specification provides for communication with multiple users over the network.
Claim 25. The message content structuring and transmission system of claim 24, wherein the second computing system transmits structured messages directly to the third computing system.	Claim 51.	Under the IRC platform, messages may be sent through a server, or via a direct link between users.
Claim 26. The message content structuring and transmission system of claim 1, wherein the second computing system is an application computing system having an application program and the network interface program is a network application management program.		bottom of page 3 - page 4 ("File Transfer"). Application program may be integrated with the user interface program such that the user interface program, when executed, interacts with the application program to provide data to the user interface program. The application program may be a program such as Word™, or a calendar program
Claim 27. The message content structuring and transmission system of claim 26, wherein the structured message sent to the network by the application program is a notification message.		See comments, Claim 18.

8. Further to the evidence submitted above, Applicant is also enclosing portions of the functional source code from the "Interchange" software, version 2.4, that provides additional detail surrounding the operation of the software. The code is attached hereto as Exhibit B. Support documentation compiled into the interchange v2.1 application is attached as Exhibit C, and is referenced to more clearly demonstrate portions of the operational code relating to the interchange, logging interface, joining channels, sending and receiving messages on channels, updating channel lists and setting preferences. Exemplary portions of the v2.4 source code and v2.1 support documentation will be mapped to the claimed features in the table below:

Claimed Feature	Parallel Claim(s)	Interchange Software Code
Claim 1. a system administration computing system having a system management program with a real time chat interface for communicating over the computer network; and a computing system/means having a network interface program with a real time chat interface for communicating over the computer network	Claims 28, 52, 60, 61	<p>Main.java creates an Interchange class. Interchange loads a real time chat interface that communicates over the network. The interface generated by the Interchange class accepts message content, establishes a real time chat interface with the system management program, and interacts with the system management program to structure content. Content is structured both in the real time chat interface as well as in custom panels, called "Structured Input Output Panels", or SIOPs. These SIOPs are also loaded from the Interchange class.</p> <p>See Exhibit B, Main.java. Main.java starts a chat program, and on line 514 loads preferences for custom panels (CustomPanelHandler.loadCustomPanelPreferences()). These custom panels are represented in file custom_panel.txt, and the code is in CustomInputPanel.java (base class), EqInputPanel.java, HTTPInputPanel.java, MDMInputPanel.java, OptskInputPanel.java, and SellSideInputPanel.java.</p> <p>The main class for the program, Interchange, is located in Interchange.java. Interchange.java is copyrighted 1996 – 1998. This source code file references bugs fixed on the 2.4 software between 4/12/1997 and</p>

		7/9/1999. Also, the revision list also includes references to loading custom panels (defined in custom_panel.txt, which is described below) in Revision 2.3, dated 12/17/1998 (lines 727-728), and Revision 1.88, dated 9/18/1998 (lines 777-778). The code also references the Interchange release candidate version 2.5 from 7/8-99 - 8/2/1999 (lines 94-95), however this version is not being relied upon for the purposes of this declaration and further has no bearing on the functional operation being described herein.
wherein the network interface program accepts message content, establishes a real time chat interface with the system management program and interacts with the system management program to structure the content within the message and transmit the structured message over the computer network.	(Claims 28, 52, 60, 61)	See above
Claim 2. The message content structuring and transmission system of claim 1, wherein the second computing system is an end user computing system and the network interface program is an end user interface program.	Claim 28 (“second means”)	See claim 1.
Claim 3. The message content structuring and transmission system of claim 2, wherein the end user interface program, based on configuration instructions, generates a structured message content input panel having message content fields for the end user to enter message content	Claims 29, 53, 62.	<p>A standard channel is defined in Channel.java. This is extended by IRCCChannel.java, which defines a standard chat room having users, messages, backchat (history), and an area to send messages. A Filtered Channel is one that filters content and only shows chat messages from the messaging network based on user’s preferences. This is defined in FilteredChannel.java.</p> <p>In claim 3, the user interface for the “structured message content input panel” is generated in ChannelWindowView.java. This view includes all of the channel components shown in the specification and</p>

into.		is further illustrated in the html help references in Exhibit C. The interface includes an input panel, a history (backchat) panel, and a user list. Additionally, some channels have a custom input panels, or structured input panels. When a channel includes a custom panel, it is constructed with a CustomInputPanel, as shown in the constructor of ChannelWindowView on line 46.
Claim 4. The message content structuring and transmission system of claim 3, wherein the message content fields are generated dynamically based on the configuration instructions and data specific to the end user.	Claim 30.	<p>The custom input panel referenced in Claim 3 is built using a dynamically loaded configuration of custom input panels. Customers can define their own custom input panels. In this version of the application, the custom panels that are packaged with the application are defined in the configuration shown in "custom_panel.txt" in Exhibit B. Source code for these are referenced in Exhibit B, CustomInputPanel.java, CustomLinkHandler.java, CustomLinkHandlerItem.java, CustomQInputPanel.java, EqInputPanel.java, HTTPInputPanel.java, MDMInputPanel.java, OptskInputPanel.java, SellsideInputPanel.java.</p> <p>CustomInputPanel.java, lines 31-37 (createWidgets method) creates the components that will display in the custom view. This class is extended/overridden by the various specific panels, such as the SellsideInputPanel.java. In SellsideInputPanel.java lines 137-347 shows various custom fields being created to display on this custom panel.</p>
Claim 5. The message content structuring and transmission system of claim 4, wherein the specific end user data used to dynamically generate the message content fields is an end user identification code.	Claim 31.	See claim 4. Additionally, see SellsideInputPanel.java, line 131, which references the user information when building the DATA_URL_ADDRESS.
Claim 6. The message content structuring and transmission system of claim 4, wherein the specific end user data used to dynamically generate the message content fields is an end	Claim 32.	See claim 5.

user location identifier.		
Claim 7. The message content structuring and transmission system of claim 4, wherein the specific end user data used to dynamically generate the message content fields is an identifier for the end user computing system.	Claim 33.	See claim 5.
Claim 8. The message content structuring and transmission system of claim 3, wherein: after message content to be structured is entered into the structured input panel message content fields, the end user interface program structures the message content for transmission over the computer network.	Claim 34.	See SellSideInputPanel.java, lines 610 – 651, method handleSearchClient(). This method takes the data structured in the Structured Input Output Panel and sends the data over the network, on line 615.
Claim 9. The message content structuring and transmission system of claim 8, wherein data specific to the end user creating the message is associated with the structured message content for message creation identification purposes.	Claim 35.	See SellSideInputPanel.java, line 615.
Claim 10. The message content structuring and transmission system of claim 2, wherein the end user interface program generates a user interface having at least one real time chat channel.	Claim 36.	See claim 3, specifically ChannelWindowView.java. This view generates a real time chat channel.
Claim 11. The message content structuring and transmission system of	Claim 37.	See claim 3, specifically ChannelWindowView.java. A “Channel” is a generic concept that can be applied to either a “Private”, or one-to-one channel, a “Filter”

claim 10, wherein at least one real time chat channel is a forum channel.		channel, or a "Forum" or group channel. IRCChannelWindowView.java defines a group, or Forum channel.
Claim 12. The message content structuring and transmission system of claim 10, wherein at least one real time chat channel is a private channel.	Claim 38.	See claim 11. Also see PrivateChannelWindowView.java.
Claim 13. The message content structuring and transmission system of claim 10, wherein at least one real time chat channel is a filtered channel.	Claim 39.	See claim 11. Also see FilteredChannelWindowView.java
Claim 14. The message content structuring and transmission system of claim 13, wherein the filtered channel is an aggregation of selected real time chat channels.	Claim 40.	See FilteredChannel.java. This is the data class, or model, behind the FilteredChannelWindowView.java. Lines FilteredChannel.java shows that A FilteredChannel can filter multiple channels of any type. The getMembers() method, lines 76-100 shows that the FilteredChannel includes other private as well as group (IRC) channels.
Claim 15. The message content structuring and transmission system of claim 14, wherein the aggregated filter channel is used to post a message to multiple channels.	Claim 41.	See the addContent method in FilteredChannelWindowController.java, lines 52-114. This method iterates through all channels that are aggregated by the filter and sends, or posts, the message to each channel in the filter.
Claim 16. The message content structuring and transmission system of claim 10, wherein the end user interface program allows a real time chat channel to be docked to the user interface.	Claims 42, 55, 64.	See the help documentation in Exhibit C. Specifically, see "Docking_a_Channel.html".
Claim 17. The message content structuring and transmission system of claim 10, wherein the end user interface	Claims 43, 56, 65.	See Exhibit C, "Docking_a_Channel.html". This describes how to dock undocked channels, which implies that channels can be undocked in the first place.

program allows a real time chat channel to be undocked from the user interface		
Claim 18. The message content structuring and transmission system of claim 10, wherein the end user interface program generates at least one user interface message alert for a real time chat channel.	Claims 44, 57, 66.	See ChannelWindowController.java, line 560, which checks to see whether messages are alert messages.
Claim 19. The message content structuring and transmission system of claim 18, wherein at least one interface message alert is visual.	Claim 45.	See ChannelDisplaySettingsView.java, lines 41, 162, 163, 164, 165, 228, 353, 356, 373, 421, and 426 which reference display properties for displaying alerts.
Claim 20. The message content structuring and transmission system of claim 18, wherein at least one interface message alert is audio.	Claim 46.	See "Setting_up_Interchange_preferences.html" in Exhibit C. Specifically, note the section on "Setting Specific Channel Preferences" where users are able to create sounds that play when normal messages or alerts are received.
Claim 21. The message content structuring and transmission system of claim 10, wherein the real time chat channel includes at least one contextual chat message.	Claims 47, 54, 63.	
Claim 22. The message content structuring and transmission system of claim 1, wherein the system management program converts synchronous message content to asynchronous message content for storage.	Claims 48, 58, 67.	See references of the database for retrieving and storing chat, or Backchat, in BackChatServer.java.
Claim 23. The message content structuring and transmission system of claim 2, wherein the end	Claims 49, 59, 68.	See the references to the CustomInputPanel in Claim 3.

user interface program, upon receipt of a structured message, generates a structured message output panel to display the structured message content.		
Claim 24. The message content structuring and transmission system of claim 1, further comprising a third computing system having a network interface program with a real time chat interface for communicating over the computer network.	Claim 50.	This describes other clients that participate on the network. These clients are the same as the end-user application and are defined in claims 1-23.
Claim 25. The message content structuring and transmission system of claim 24, wherein the second computing system transmits structured messages directly to the third computing system.	Claim 51.	Messages are sent to and from chat clients. Custom Panels, such as the SellSideInputPanel, send data either directly through the chat network or directly to other programs, such as a web-based trading system or other system with a network interface. Both the other chat clients as well as the third party systems are network application programs having network application management programs.
Claim 26. The message content structuring and transmission system of claim 1, wherein the second computing system is an application computing system having an application program and the network interface program is a network application management program.		See claim 25.
Claim 27. The message content structuring and transmission system of claim 26, wherein the structured message sent to the network by the application program is a		Per the descriptions of alerts, and per the ability to send alerts in Channels (IRCChannel, FilterChannel, or PrivateChannel), structured messages can be notification messages, or alerts.

computing system having an application program and the network interface program is a network application management program.		
Claim 27. The message content structuring and transmission system of claim 26, wherein the structured message sent to the network by the application program is a notification message.		Per the descriptions of alerts, and per the ability to send alerts in Channels (IRCCChannel, FilterChannel, or PrivateChannel), structured messages can be notification messages, or alerts.

8. As Applicants have demonstrated actual reduction to practice prior to July 19, 1999, no showing of diligence is needed with regard to the Ozzie reference.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further, I acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and may jeopardize the validity of the application or any patent issuing thereon.

Signature

Date Signed



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